

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

BIGGE CRANE & RIGGING
10700 Bigge Avenue
San Leandro, CA 94577

Employer

Docket No. 01-R1D5-5132

**DECISION AFTER
RECONSIDERATION**

BACKGROUND AND JURISDICTION

Before the Occupational Safety and Health Appeals Board (Board) is a decision dated September 9, 2003, by an administrative law judge (ALJ) of the Board finding a regulatory violation of section 341.1(a) [construction permit] of the occupational safety and health standards and orders found in Title 8, California Code of Regulations and assessing a civil penalty in the amount of \$625.

Employer filed a petition for reconsideration on October 9, 2003. The Division of Occupational Safety and Health (the Division) filed an answer to the petition on November 13, 2003. The Board took Employer's petition for reconsideration under submission on November 25, 2003.

Employer owns and operates cranes to erect structural steel for the construction of buildings and structures. On November 28, 2001, the Division, through Safety Engineer Steve Williams, conducted a complaint inspection at a place of employment maintained by Employer at Sears Point Raceway, Sonoma, California (the site). On November 28, 2001, the Division issued a citation to Employer for an alleged regulatory violation of section 341.1(a) for failing to obtain a construction permit from the Division for construction of a grandstand and bleacher complex in excess of three stories.

FINDINGS AND REASONS

**AND
DECISION AFTER RECONSIDERATION**

The ALJ fully considered the relevant contentions raised by Employer in its petition. The Board has considered the decision of the ALJ and the record in light of Employer's petition for reconsideration and the answer to the petition and affirms the ALJ's summary of evidence, rulings, findings and conclusions and adopts in their entirety all portions except the last paragraph of the decision¹. Accordingly, the ALJ's decision is attached and incorporated herein by reference.

DECISION AFTER RECONSIDERATION

The decision of the ALJ dated September 9, 2003 is reinstated and affirmed.

MARCY V. SAUNDERS, Member
GERALD PAYTON O'HARA, Member

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
FILED ON: December 30, 2003

¹ In its petition for reconsideration, Employer did not object to the penalty assessed by the ALJ and thus, waived the issue for purposes of reconsideration. (§ 391)